PROFFERS

1997-DR-048

MADISON HOMES, INC.

FEBRUARY 23, 1998

Pursuant to Section 15.2-2303(a) of the 1950 Code of Virginia, as amended, in the event the property that is the subject of Rezoning Application Number RZ 1997-DR-048 (the "Property") is rezoned to the PDH-12 District, the Property owners and Applicant, for their successors and assigns proffer as follows:

1. Conceptual/Final Development Plan. Development of the Property shall be substantial in conformance with the plan entitled "Conceptual/Final Development Plan," consisting of two sheets, dated July 30, 1997, as revised through January 29, 1998, and prepared by Christopher Consultants, Ltd. ("CDP/FDP").

2. Final Development Plan Amendment. Notwithstanding the CDP/FDP is presented on two sheets and said CDP/FDP is the subject of Proffer 1 above, it will be understood that the CDP will be the entire plan shown on Sheet 1 relative to the points of access, the total number and types of units and general location of residential lots and common open space areas, and that the developer has the option to request a Final Development Plan Amendment ("FDPA") from the Planning Commission in accordance with the provisions set forth in Sect. 16-402 of the

Zoning Ordinance.

3. Minor Modifications. Pursuant to Par. 4 of Sect. 16-403 of the Zoning Ordinance, minor modifications from the FDP may be permitted as determined by the Zoning Administrator.

4. Energy Conservation. All homes on the Property will meet the thermal guidelines of the Virginia Power Energy Saver Program for energy-efficient homes or its equivalent, as determined by the Department of Environmental Management ("DEM") for either electric or gas energy systems.

5. Buena Vista Avenue.

a. Dedication. The Applicant will dedicate and convey in fee simple to the Board of Supervisors additional right-of-way up to a total width of twenty six (26) feet from the centerline of the existing thirty (30) foot right-of-way. Such dedication and conveyance shall be made upon demand by Fairfax County or at the time of recordation of the final subdivision plat, whichever occurs first. All density related to such dedication is hereby reserved pursuant to Par. 5 of Sect. 2-308 of the Zoning Ordinance.

b. Construction. The Applicant will, at the time of Final Site Plan Approval, construct improvements to Buena Vista Avenue as shown on the CDP/FDP with pavement width of twelve (12) feet from the centerline to the face of curb of the existing street.

c. Sidewalk. At the time of Final Site Plan Approval, the Applicant will construct a five-foot wide concrete sidewalk on the subject property's frontage along Buena Vista Avenue. A portion of this sidewalk may be located outside of the public right-of-way, and the responsibility for maintenance of that portion of the sidewalk outside of the public right-of-way

will be the responsibility of a Homeowner's Association to be formed for the development of the property.

6. Park Avenue.

a. Dedication. The applicant will dedicate and convey in fee simple to the Board of Supervisors additional right-of-way up to a width of twenty six (26) feet from the existing centerline of the right-of-way Park Avenue, as shown on the CDP/FDP. Such dedication and conveyance shall be made upon demand by Fairfax County or at the time of recordation of the Final Subdivision Plat, whichever occurs first. All density related to such dedication is hereby reserved pursuant to Par. 5 of Sect. 2-308 of the Zoning Ordinance.

b. Construction. Subject to the approval of VDOT and in order to retain the existing 40 inch maple tree, the existing improvements including sidewalk and gutter may remain. However, if required by VDOT, the Applicant will, at the time of Final Site Plan Approval, construct improvements to Park Avenue with pavement widths at a distance of approximately nineteen (19) and fifteen (15) feet from the existing centerline to the face of curb, respectively, with transitions, all as shown on the CDP/FDP.

c. Sidewalk. At the time of Final Site Plan Approval, the Applicant will construct a five-foot wide concrete sidewalk on the subject property's frontage along Park Avenue.

7. Ingleside Avenue.

a. Dedication. The Applicant will dedicate and convey in fee simple to the Board of Supervisors additional right-of-way up to a width of twenty six (26) feet from the existing centerline of the right-of-way of Ingleside Avenue, as shown on the CDP/FDP. Such dedication

and conveyance shall be made upon demand by Fairfax County or at the time of recordation of the final subdivision plat, whichever occurs first. All density related to such dedication is hereby reserved pursuant to Par. 5 of Sect. 2-308 of the Zoning Ordinance.

b. Construction. The Applicant will at the time of Final Site Plan Approval, construct improvements to Ingleside Avenue, with a pavement width of nineteen (19) feet from the existing centerline, to the face of curb, with transitions, all as shown on the CDP/FDP.

c. Sidewalk. At the time of Final Site Plan Approval, the Applicant will construct a five foot wide concrete sidewalk on the subject property's frontage along Ingleside Avenue.

7. Private Streets. The private street will be constructed in conformance with the Public Facilities Manual standard TS-5A with a thirty (30) foot easement and twenty four (24) foot pavement width. Said private streets will be constructed with materials and depth of pavement consistent with Sect. 7-0502 of the Public Facilities Manual.

8. Stormwater Management. The Applicant will provide Best Management Practices (BMPs) in the form of the Bioretention Facility to be constructed in the general location as shown on the CDP/FDP, subject to the approval by Fairfax County of waiver request no. 019161 for stormwater detention and modification waiver no. 019162 for BMP requirements. The Bioretention facility shall be constructed in conformance with standards set forth in the above-referenced waivers in the form of development conditions. Landscaping will be provided in and around the BMP facility as shown on the CDP/FDP.

9. Landscaping. Landscaping and tree save areas will be provided generally as shown on the CDP/FDP subject to the approval of the Urban Forester. For the purpose of maximizing the

preservation of trees on the Property, the Applicant shall retain a certified landscape architect or arborist to consult on the preparation of a tree preservation/landscape plan. The tree preservation/landscape plan, shall be submitted as part of the final site plan which shall be reviewed and approved by the Urban Forestry Branch and shall illustrate the species, size, location and condition of the trees shown to be saved on the CDP/FDP. In addition, the final site plan shall show the approximate location, species, size and condition of those trees appropriate for transplanting. The Applicant will submit, at the time of final engineering, a detailed tree save protection plan for the project including the above referenced information, and steps to be taken by the Applicant to enhance survival possibilities for the trees designated to be saved. This tree preservation/landscape plan shall provide for the preservation of specific trees or stands of trees, as shown on the CDP/FDP, provided these trees can be preserved without precluding the planned development of the Property, including a typical home on each of the lots, as shown on the CDP/FDP, and subject to approval by the Virginia Department of Transportation for those designated trees to be saved which are located within the current or future dedicated right-of-way. The Urban Forestry Branch may require modifications to the tree preservation/landscape plan to the extent said modifications do not alter the number of dwelling units as shown on the CDP/FDP, reduce the size of the units or require the installation of retaining walls greater than two feet in height.

The Applicant will provide protection for those trees designated to be saved during demolition of existing structures on the Property. Specifically, the Applicant agrees to notify the Urban Forestry Branch at the time it submits an application for a demolition permit. The

Applicant agrees that the Urban Forestry Branch shall inspect and approve the flags designating the limits of clearing and grading on the Property prior to demolition of existing structures on the Property to ensure that trees meant to be saved are adequately protected. The Urban Forestry Branch shall do this in a timely manner so as not to cause delay to the Applicant's demolition and construction schedule. The Applicant agrees to reference this proffer regarding the Urban Forester's inspection in the application for a permit for demolition on the Property.

* Prior to construction the Applicant shall walk the limits of clearing with a certified arborist and/or landscape architect, and an Urban Forester representative, to determine where minor adjustments to the limits of clearing line may be made to ensure the preservation of trees in a tree save area.

* The trees designated to be saved shall be marked on the ground with 48" high orange fencing or equivalent demarcation prior to clearing and grading and at all times from the commencement of demolition through completion of construction. During the demolition phase of the project, the fencing to protect the trees shall be placed to surround the tree with a radius calculated based on one foot for every one inch of tree caliper. This standard shall be adhered to except where this circumference interferes with the required demolition, in which event the placement of the fencing shall be adjusted to accommodate the required demolition. During the construction phase of the project the fencing surrounding certain trees may be adjusted according to the limits of disturbance required for excavation and grading necessary for development of the Property and the construction of the units. Signage affirming restricted access to the tree save areas shall be provided on the temporary fence highly visible to construction personnel.

* In addition, where it is determined feasible, adjustments to the proposed grading and location of the proposed units on the application property may be modified at the time of final engineering to enhance specific tree preservation.

* The Applicant will request a waiver from VDOT to retain the existing curb, gutter and sidewalk on Park Avenue so that it may be possible to preserve the 40 inch maple tree located close to the existing curb.

* As a result of final engineering, in the event the areas designated as tree save areas on the CDP/FDP are modified or cannot be preserved, the trees may be removed and replaced by a similar type tree with a caliper of three inches.

* The Applicant agrees to work with the Urban Forester prior to the commencement of lane development to try to transplant certain trees and low level vegetation on the Property which may be appropriate for transplantation.

10. Architecture. The homes to be constructed on the Property shall have front exterior elevations similar (although not necessarily identical) in design to the elevations shown on the drawings attached hereto as Exhibit A, and made a part hereof by reference, and the architectural materials on the exterior of the proposed single family detached units will consist of a mix of masonry (brick and/or stone), stucco and vinyl or aluminum siding. Front elevations of the homes may include an interior courtyard, designed not to extend beyond the building footprints shown on the CDP/FDP, and front elevations of the homes may also include covered porches, as depicted on Exhibit A, which may extend beyond the building footprints shown on the CDP/FDP.

11. Use of Garages. A covenant shall be recorded which provides that garages shall only be used for a purpose that shall not interfere with the intended purpose of garages, i.e. parking of vehicles. This covenant shall be recorded among the land records of Fairfax County in a form approved by the Fairfax County Attorney prior to the sale of any lots and shall run to the benefit of the Homeowners Association, which shall be established as indicated below, and the Fairfax County Board of Supervisors. Prospective purchasers shall be advised of the use restriction prior to entering into a contract of sale.

12. Homeowners Association. The Applicant will establish a Homeowners Association ("HOA") for the proposed development to own, manage, and maintain the open space, including maintaining Common Open Space, the private street and all other community-owned land and improvements. The Homeowners Association shall include provisions to ensure that the street trees existing in the common areas along Ingleside Avenue are cared for and maintained. In the event that a street tree does not survive along Ingleside Avenue, then the tree shall be replaced with a similar type tree.

The Homeowners Association shall include in its bylaws a provision to ensure the maintenance of the Bioretention facility. All purchasers shall be advised prior to entering into a contract for sale that the HOA is responsible for maintaining the bioretention facility. Specifically, the bylaws shall incorporate the Bioretention facility maintenance standards set forth in Exhibit B to this document, entitled, "How Does Your Garden Grow, A Reference Guide to Enhancing Your Rain Garden". This maintenance responsibility for the bioretention facility shall be incorporated in an agreement to be reviewed and approved by the Fairfax County

Attorney's Office and recorded among the Fairfax County land records. This agreement shall address the following:

a. Incorporating into the agreement a detailed maintenance plan for the facility that considers useful life and future replacement.

b. Establishment of an initial HOA reserve fund by the applicant in the amount of $2,000 or the cost of replacing the plant materials, whichever is greater, for future maintenance/replacement of the facility.

c. Incorporating the private maintenance agreement into the HOA documents.

d. A detailed facility maintenance plan shall be incorporated into the site plan.

e. The site plan shall demonstrate that adequate overland relief is provided across the off-site properties located below the facility.

f. County inspection and all other issues as may be necessary to ensure that the facilities are maintained by the Applicants, their successors or assigns in good working order acceptable to the County so as to implement BMP goals on the Property.

g. A restriction (also to be referenced in the HOA documents) that the Applicant, their successors and assigns, shall not petition DEM and/or DPW for future maintenance.

13. Successors and Assigns. These proffers will bind and inure to the benefit of Applicant and his or her successors and assigns.

14. Mid-Block Pedestrian Connector.

The CDP/FDP depicts a mid-block pedestrian walkway crosses the site between Ingleside Avenue and Buena Vista Avenue. This walkway will not be included in the final site plan and

will not be implemented.

15. Parks and Recreation Contribution. The Applicant shall make a contribution of $14,6[illegible] to the Park Authority at the time of subdivision approval. The contribution shall be used by the Park Authority to acquire, develop and maintain park and recreational facilities in Lewinsville Park.

APPLICANT

Madison Homes, Inc

Date

By: _____
Russell S. Rosenberger, Jr., President

Date

Fitz Folly Farm, L.P.
By: Peter J. Fitzgerald, Jr., its General Partner

By: _____
Russell S. Rosenberger, Jr., Agent and Attorney in-fact for Peter J. Fitzgerald, Jr., General Partner Of Fitz Folly Farm, L.P.

Date

_____
Russell S. Rosenberger, Jr., Agent and Attorney-in-fact for Patricia L. Turman

Date

_____
Russell S. Rosenberger, Jr., Agent and Attorney-in-fact for Leonard W. Seip

Date

_____
Russell S. Rosenberger, Jr., Agent and Attorney-in-fact for Mary E. Seip

Date

_____
Russell S. Rosenberger, Jr., Agent and Attorney-in-fact for Nicholas T. Yaworski

Date

_____
Russell S. Rosenberger, Jr., Agent and Attorney-in-fact for Diane D. Yaworski

Date

Russell S. Rosenberger, Jr., Agent and
Attorney-in-fact for Mary C. Darne

Date

Duane W. Beckhorn, Trustee
The Frances L. Koenig Trust

Date

Kenneth H. Reese, Trustee
The Frances L. Koenig Trust

EXHIBIT A

Ingleside

Ingleside

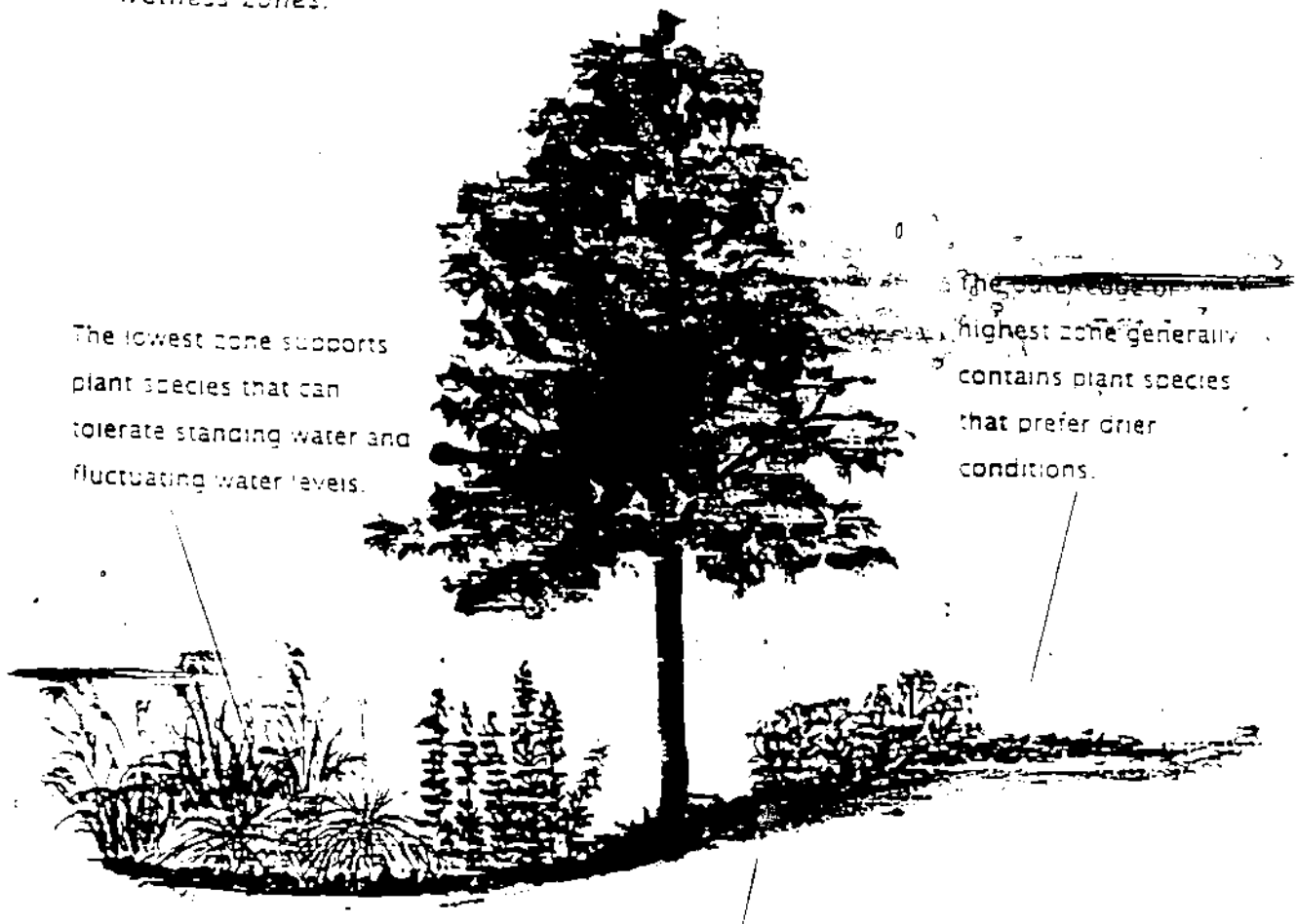
EXHIBIT B

How Does Your Garden Grow?

A Reference Guide to Enhancing your Rain Garden

Adding and Replacing Plants

Your Rain Garden is composed of woody plants (trees and shrubs) and herbaceous species (flowers, grasses, and ground covers) planted in three wetness zones.



The lowest zone supports plant species that can tolerate standing water and fluctuating water levels.

The outer edge of the highest zone generally contains plant species that prefer drier conditions.

The middle zone is slightly drier, but also supports plant species that can tolerate fluctuating water levels

You are encouraged to add plants to your Rain Garden. More plants mean improved pollutant removal and stormwater quality. The information below provides helpful suggestions for adding or replacing plants in your Garden.

acing a plant in your Rain Garden, place the new plant in the same
s the one you removed. If the old plant cannot be completely removed
f a large root system, place the new plant as close as possible to the
cation. In addition, try to select a comparably sized plant for replacement
are not recommended, since they do not tolerate fluctuating water levels
arger, containerized, or balled-and-burlapped plants.

eplacing a full-grown tree or shrub, the replacement should be as large as
Since these plants are performing the service of collecting and filtering
from stormwater, a small plant will not perform as well as a large one.

shrubs may be planted in any location of your Rain Garden; however, be
ve enough room between new and existing trees and shrubs. Some trees
s need more room than others to grow, and if crowded, may not be able to
or sun and water. The best time to plant is fall or early spring, so plants
to their surroundings before growing new leaves. Trees and shrubs
planted as soon as possible after purchase, preventing dry-out and
better chance of survival.

and ground covers can also be planted anywhere in your Rain Garden
e fall so that they can adapt to their surroundings before winter sets in
ivers should be planted in the middle to outer edges of your Rain Garden
aturally spread to other suitable areas.

Plants placed in the wettest zone of your Garden, however, must be
o tolerate fluctuating soil moisture. Annuals (bulbs) should be
d along the outer edges of your Rain Garden where the soil is drier
ils should be planted in the spring, after the last frost. In our area,
generally after March

You are encouraged to add plants to your Rain Garden. More plants mean improved pollutant removal and stormwater quality. The information below provides helpful suggestions for adding or replacing plants in your Garden.

- When replacing a plant in your Rain Garden, place the new plant in the same location as the one you removed. If the old plant cannot be completely removed because of a large root system, place the new plant as close as possible to the original location. In addition, try to select a comparably sized plant for replacement. Seedlings are not recommended, since they do not tolerate fluctuating water levels as well as larger, containerized, or balled-and-burlapped plants.

- If you are replacing a full-grown tree or shrub, the replacement should be as large as possible. Since these plants are performing the service of collecting and filtering pollutants from stormwater, a small plant will not perform as well as a large one.

- Trees and shrubs may be planted in any location of your Rain Garden; however, be sure to leave enough room between new and existing trees and shrubs. Some trees and shrubs need more room than others to grow, and if crowded, may not be able to compete for sun and water. The best time to plant is fall or early spring, so plants can adapt to their surroundings before growing new leaves. Trees and shrubs should be planted as soon as possible after purchase, preventing dry-out and ensuring a better chance of survival.

- Perennials and ground covers can also be planted anywhere in your Rain Garden. Plant in the fall so that they can adapt to their surroundings before winter sets in. Ground covers should be planted in the middle to outer edges of your Rain Garden and will naturally spread to other suitable areas.

  Note: Plants placed in the wettest zone of your Garden, however, must be able to tolerate fluctuating soil moisture. Annuals (bulbs) should be planted along the outer edges of your Rain Garden where the soil is drier. Annuals should be planted in the spring, after the last frost. In our area, this is generally after March.

Foliage	Exposure	Native Plant	Wildlife Value	Height	Root Syste
Spring: light green Summer: green Fall: red, orange, yellow	Sun to shade	Yes	High	60'-90'	Shallow
Spring: yellow-green Summer: green Fall: yellow	Sun	Yes	High	50'-70'	Shallow
Spring: light green Summer: dark green Fall: yellow to orange	Sun	Yes	Low	50'-75'	Shallow
Spring: light green Summer: bright green Fall: red to purple	Sun	Yes	Low	75'-100'	Taproot
Spring: light green Summer: bright green Fall: yellow	Sun	Yes	High	75'-100'	Shallow
Spring: purplish green Summer: dark green Fall: brown to red	Sun to partial shade	Yes	High	60'-75'	Shallow
Spring: green Summer: dark green Fall: red to brown	Sun	Yes	High	50'-90'	Shallow
Spring: light green Summer: bright green Fall: yellow-purple	Sun to shade	Yes	Low	75'-90'	Shallow
Spring: light green Summer: green Fall: yellow	Sun	Yes	Low	50'-75'	Taproot
Spring: light green Summer: dark green Fall: bright red	Sun	Yes	Medium	50'-100'	Taproot
Spring: light green Summer: bright green Fall: tan-brown	Sun to partial shade	Yes	Low	75'-100'	Shallow
Spring: green Summer: bright green Fall: scarlet	Sun	Yes	High	50'-75'	Taproot
Spring: blue-green Summer: dark green Fall/winter: yellow-brown	Sun	Yes	High	40'-60'	Taproot
Spring: silvery gray Summer: yellow-green Fall/winter: red	Partial sun to shade	Yes	High	35'-50'	Shallow
Spring: blue-green Summer: dark blue-green Fall/winter: yellow-green to yellow	Sun	Yes	Low	50'-75'	Shallow

Foliage	Exposure	Native Plant	Wildlife Value	Height	Root Syste
Spring: green Summer: medium green Fall: orange-red to purple	Sun to shade	Yes	High	8'-10'	Shallow
Spring: medium green Summer: green Fall: yellow-green	Sun to partial sun	Yes	High	6'-12'	Shallow
Spring: green Summer: dark green Fall: yellow-green	Sun to partial shade	Yes	High	6'-12'	Shallow
Spring: light green Summer: dark green Fall: yellow	Shade	Yes	High	6'-12'	Deep
Spring: green Summer: medium green Fall: red to purple	Sun to partial shade	Yes	High	6'-8'	Shallow
Spring: green Summer: dark green Fall: yellow	Sun to partial sun	Yes	Medium	4'-8'	Shallow
Spring: light green Summer: green Fall: yellow	Sun to shade	Yes	Low	6'-12'	Shallow
Spring: medium green Summer: olive green Fall: yellow-green	Sun	Yes	Medium	3'-6'	Shallow
Spring: green Summer: medium green Fall: bronze to red	Sun to partial shade	Yes	High	6'-10'	Shallow
Spring: light green Summer: shiny green Fall: yellow, orange, red	Sun to partial shade	Yes	High	10'-20'	Shallow
Linear	Full to partial sun	Yes	Medium	2'-5'	Shallow
Long, thin	Full sun	Yes	Medium	2'-4'	Shallow
Bushy (*Caution* spreads very quickly)	Sun to partial shade	Yes	Medium	2'-4'	Shallow
Lance-shaped	Sun	Yes	High	1'-3'	Shallow
Lance-shaped	Sun	Yes	High	1'-3'	Shallow
Lance-shaped	Sun to partial shade	Yes	High	1'-5'	Shallow

Foliage	Exposure	Native Plant	Wildlife Value	Height	Root Sys
Basal, long, thin	Partial shade	Yes	High	1'-3'	Shallow
Lance-shaped	Full to partial sun	Yes	High	2'-3'	Shallow
Lance-shaped	Sun to partial shade	Yes	High	0.5'-1.5'	Shallow
Oval	Partial to full shade	Yes	Medium	0.5'-1.5'	Shallow
Long, narrow	Partial sun to shade	Yes	Medium	0.5'-3'	Shallow
Narrow, lance-shaped	Sun	Yes	High	2'-4'	Shallow
Deeply divided	Full sun	Yes	Medium	2'-8'	Shallow
Leaf divided into leaflets	Sun to partial shade	Yes	Medium	3'-7'	Shallow
Toothed leaves	Sun to partial shade	Yes	Medium	2'	Shallow
Erect, curling flat blades	Sun	Yes	High	3'-6'	Shallow
Flat, linear	Sun	No	Medium	1'-3'	Shallow
Flat or folded	Sun	Yes	Medium	1'-2'	Shallow
Yellow or white striped	Sun	Yes	High	1'-2.5'	Shallow
Dense, grassy clumps	Sun to partial shade	Yes	Medium	1'-4'	Shallow
Oval, green or purple	Sun to partial shade	No	Medium	0.5'-1'	Shallow
Shining green	Sun to partial shade	No	Low	0.5'	Shallow
Dark green grass-like	Sun to shade	No	Low	0.5'-1'	Shallow
Large, broad	Shade	Yes	High	3'	Shallow
Long, tapering	Sun to partial shade	Yes	Medium	[illegible]	Shallow

Summer

Care

- During times of extended drought—July and August—water your Rain Garden as you would any other garden (every seven to ten days, if it has not rained). Look for the following physical features of stress if plants are too dry:
  - wilting
  - yellowing of leaves
  - brown, dry leaves
  - leaves dropping off
  - ringed spots on leaves
  - smaller leaves
  - fewer leaves

- Water your Garden in the early morning for several hours with a soaker hose, giving the Garden a gentle soaking, and providing plants with a better chance of retaining moisture. Do not water your plants during the day or evening: humidity is highest and some of the water will evaporate before the plants have a chance to absorb it. Do not water at night, as this promotes conditions for disease and fungus.

- Check trees and shrubs for any signs of disease or insect pests. Inspect leaves for unusual holes—a sure sign that insects have been chewing. Also check the underside of leaves for filmy or powdery deposits. Most plant diseases and damaging insects, like scale and lacebug, can be easily treated when detected early.

- Weed your Garden regularly to keep it healthy and beautiful. If you have an infestation of weeds that are not easily removed, ask a horticulturist for advice as to an environmentally safe herbicide.

Highlights

- A variety of annuals and perennials bloom from early to late summer, including Daylilies, Iris, Black-Eyed Susans, Spirea, and Goatsbeard.

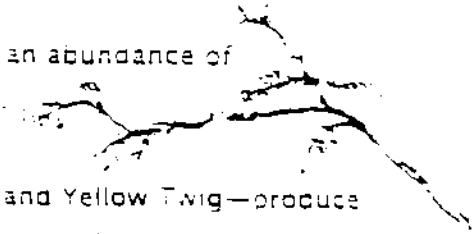
winter

Care

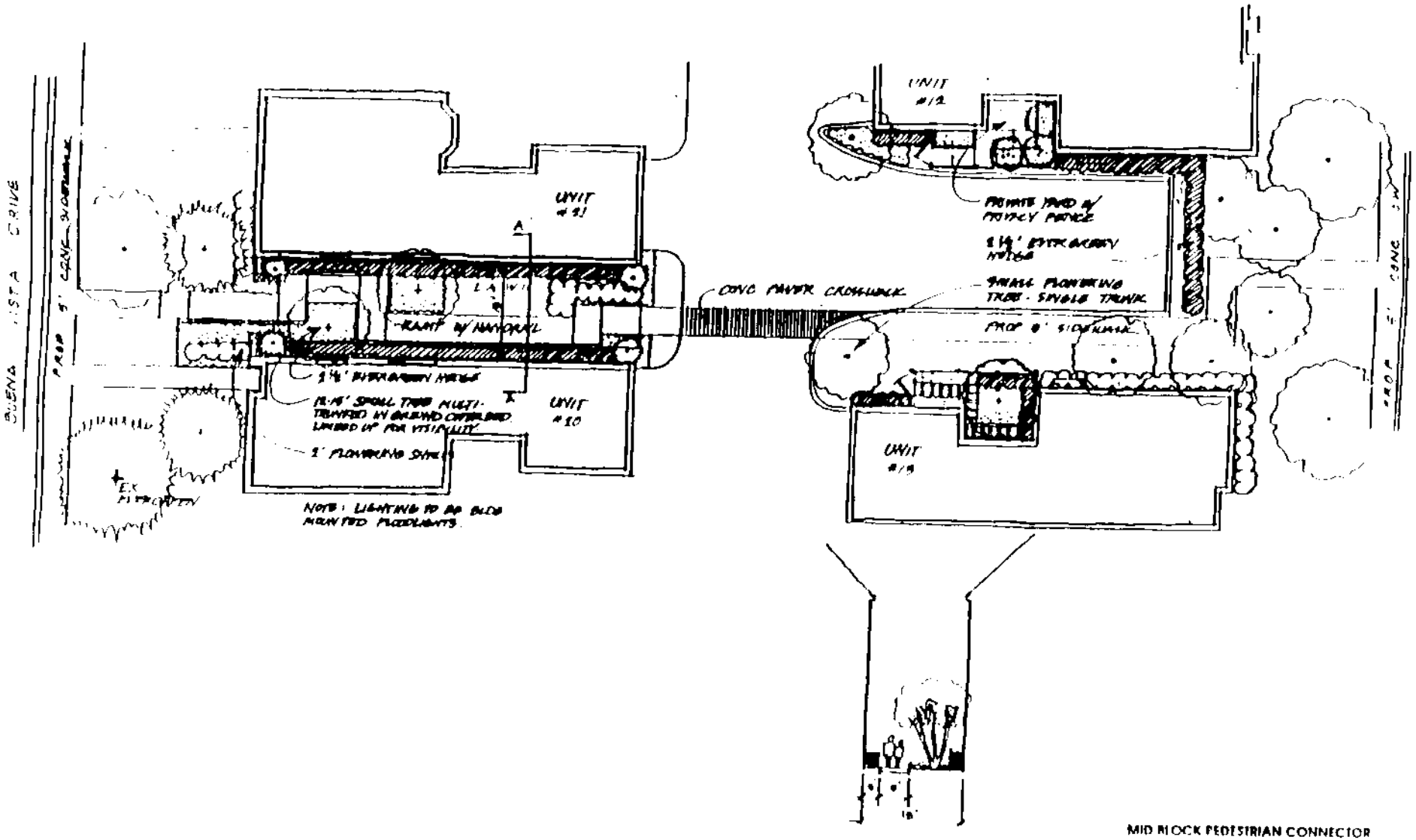
- Cut back ornamental grasses that were still in bloom in late fall
- Ground covers and flowers require no maintenance during this time.
- During wetter periods—winter and early spring—plants are dormant, the soil may be frozen, and your Garden bands water for longer periods of time.

Highlights

- Witch Hazel, a small tree, produces yellow blooms in early February
- Holly trees and shrubs retain handsome, dark green foliage, and produce brilliant red berries that last until spring.
- Deciduous hollies like Sparkleberry produce an abundance of red fruit and create eye-catching silhouettes.



- Two shrub varieties of Dogwood—Red-osier and Yellow Twig—produce striking color in the winter as their stems turn vivid red or yellow
- Many varieties of ground covers add interesting texture.
- A bird feeder hanging in your Garden is an attractive addition



Section AA

MID BLOCK PEDESTRIAN CONNECTOR
West McLean Assemblage
Scale 1"=10'

LEWIS SCULLY GIONET
29 January 1998

Glossary

Blade	the expanded part of a leaf
Capsule	a dry compound fruit, with more than one compartment for seeds
Catkin	a soft hanging cluster of flowers
Cluster	a more or less loosely arranged group of flowers or leaves
Deciduous	a tree or shrub that loses its leaves in the fall
Drupe	a soft fruit containing seeds with hard coats
Frond	the leaf of ferns
Panicle	a loose and irregular flower cluster
Pod	a fruit, such as that of the pea plant, that splits open when dry
Samara	a winged fruit
Spike	an elongated cluster of flowers
Taproot	a long, central root